

Message Text

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70

ORIGIN L-02

INFO OCT-01 ARA-10 EUR-10 EA-07 IO-03 ISO-00 EB-03 FRB-01

OMB-01 TAR-01 SP-02 SWF-01 AGR-03 AID-05 CIAE-00

COME-00 INR-10 LAB-01 NSAE-00 OIC-01 RSC-01 SIL-01

STR-01 TRSE-00 CIEP-01 CEA-01 PA-01 PRS-01 USIA-04

H-01 AF-04 NEA-06 /084 R

DRAFTED BY L:SMSCHWEBEL:CDJ

APPROVED BY EB:JKATZ

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EA/J:WPIEZ

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P R 080145Z OCT 74

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

USMISSION EC BRUSSELS

AMEMBASSY MEXICO

USMISSION OECD PARIS

USMISSION USUN NY

C O N F I D E N T I A L STATE 221219

E.O11652:GDS

TAGS: EGEN, UNCTAD, JA

SUBJECT:CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES

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REF: TOKYO 12977

1. APPRECIATE REFTEL. WE SUGGEST THAT YOU PUT THE FOLLOWING POINTS TO TANIGUCHI.

2. IN OUR VIEW, FACT THAT ECHEVERRIA-TANAKA COMMUNIQUE PROVIDES THAT THE PARTIES WILL "ENDEAVOR TO ADOPT CHARTER IN COMING UNGA" NEED BE NO BARRIER TO A NEGATIVE VOTE BY JAPAN ON A CHARTER WHICH IT FINDS SUBSTANTIVELY UNACCEPTABLE. LAST YEAR, UNGA APPROVED WITHOUT DISSENT A RESOLUTION CALLING ON THE UNCTAD WORKING GROUP TO ELABORATE A FINAL DRAFT OF THE CHARTER "TO BE CONSIDERED AND APPROVED BY THE GENERAL ASSEMBLY AT ITS TWENTY-NINTH SESSION". BUT USG DOES NOT CONSIDER THAT THAT RESOLUTION IN ANY MEASURE COMMITS IT TO SUPPORT A CHARTER WHOSE TERMS WERE NOT COMPLETE WHEN THE RESOLUTION WAS ADOPTED. NOR ARE WE AWARE THAT ANY GOVT FEELS SO COMMITTED. EQUALLY, WE DO NOT BELIEVE THAT JAPAN IS BOUND TO REFRAIN FROM VOTING AGAINST A CHARTER WHOSE TERMS WERE INCOMPLETE IN CRITICAL RESPECTS WHEN ECHEVERRIA-TANAKA COMMUNIQUE WAS AGREED UPON. MOREOVER, PHRASEOLOGY OF COMMUNIQUE --

ENDEAVOR TO ADOPT -- IS LESS EMPHATIC THAN "TO BE CONSIDERED AND APPROVED".

3. USG, LIKE JAPAN, IS OPEN TO POSSIBILITIES WHICH WILL AVOID A VOTE, OTHER THAN THE POSSIBILITY OF ACCEPTING WITHOUT OBJECTION A CHARTER WHICH IN FACT IS OBJECTION-ABLE. BUT IF AN UNACCEPTABLE CHARTER COMES TO A VOTE, WE REMAIN HOPEFUL THAT JAPAN WILL JOIN USG IN VOTING NEGATIVELY. KISSINGER

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Message Attributes

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To: TOKYO
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